Hon. Ronald B. Leighton 1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT TACOMA 8 KEITH DAHL, in his Personal Capacity and as NO. 3:16-cy-05719-RBL Personal Representative of the Estate of BRANDON DAHL, deceased, 9 STIPULATED MOTION AND Plaintiff. ORDER TO APPROVE 10 SETTLEMENT AND DISMISS 11 CASE 12 MASON COUNTY, et al., 13 Defendants. 14 T. INTRODUCTION 15 Plaintiff, KEITH DAHL, in his personal capacity and as personal representative of the 16 Estate of Brandon Dahl; Defendants MASON COUNTY, a political subdivision of the State of 17 Washington; GARY HAUGEN, as Personal Representative for the Estate of TOM HAUGEN, 18 deceased; CASEY SALISBURY; ANGELA LANGSTON; JOSEPH OTT; BRAD MCQUADE; 19 and MATT GRAY (collectively "County Defendants"); and Defendant HEALTH CARE 20 DELIVERY SYSTEMS, INC. ("HDS") (collectively the "Parties"), by and through their counsel 21 of record, respectfully request the Court approve a settlement agreement reached between the 22 Parties and dismiss this case with prejudice and without further costs or attorneys' fees on the terms 23 set forth in the Settlement Guardian ad Litem Report ("GAL Report"). 24 25 STIPULATED MOTION AND ORDER TO APPROVE Galanda Broadman PLLC

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SETTLEMENT AND DISMISS - 1

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II. **RELIEF REQUESTED**

The Parties respectfully request that the Court issue an order approving the settlement agreement reached between the Parties and dismiss this case with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlement GAL Report.

III. EVIDENCE RELIED UPON

This Stipulated Motion to Approve Settlement and Dismiss ("Motion") is based upon the Settlement GAL Report on file with this Court, which, in turn, is based on: (1) a Release and Hold Harmless Agreement between Mr. Dahl, in his Personal Capacity and as Personal Representative of the Estate of Brandon Dahl, and the County Defendants; (2) a Settlement Agreement and Release between Mr. Dahl, as Personal Representative of the Estate of Brandon Dahl, and HDS; and (3) a Mediation Settlement Agreement between the Parties (collectively "Settlement Agreements").

IV. STATEMENT OF FACTS

On August 16, 2016, Plaintiff filed a complaint against Defendants alleging negligence and violations of 42 U.S.C. § 1983. The Parties have since negotiated a global settlement of all claims against all Defendants. The terms of the global settlement are provided in the Settlement GAL Report.

On May 25, 2017, the Court appointed Michael B. Smith, to serve as Guardian ad Litem ("GAL") for BD, a minor. Mr. Smith participated in mediation, reviewed each of the Settlement Agreements, and prepared a Settlement GAL Report, which he filed with the Court under seal on October 9, 2018 (Dkt. 159). The Settlement GAL Report recommends that this Court approve the terms of the Settlement Agreements, finding the Parties' settlement a fair and reasonable compromise.

V. **AUTHORITY & ARGUMENT**

The Parties respectfully request that the Court approve the settlement and dismiss this case

1	with prejudice and without further costs or attorneys' fees on the terms set forth in the Settlemen
2	GAL Report.
3	The Court's approval of the settlement is appropriate because the settlement term
4	negotiated between the Parties are "fundamentally fair, adequate, and reasonable." United State
5	v. Oregon, 913 F.2d 576, 580 (9th Cir. 1990). Here, the Parties agree that the Settlemen
6	Agreements are fair, adequate, and reasonable. Further, the GAL has approved the settlement an
7	specifically found that it is a fair and reasonable compromise. Accordingly, the Court's approve
8	of the settlement, and related dismissal of this case, is appropriate.
9	VI. CONCLUSION
10	For the reasons set forth above, the Parties respectfully request that the Court approve the
11	settlement reached between the Parties and dismiss this case with prejudice and without further
12	costs or attorneys' fees on the terms set forth in the Settlement GAL Report.
13	DATED this 11th day of October 2018.
14	WILLIAMS, KASTNER
15	<u>s/Heidi Mandt</u> Heidi Mandt, WSBA #26880
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25	STIPULATED MOTION AND ORDER TO APPROVE SETTLEMENT AND DISMISS - 3 Galanda Broadman PLLC 8606 35th Avenue NE, Ste. L1

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